

## Lawrence, Myrl

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**From:** Lawrence, Myrl  
**Sent:** Tuesday, March 16, 2021 4:06 PM  
**To:** clerk1@cebridge.net  
**Cc:** bwingfield@pmico.com; stuttgartarwater@centurytel.net; Wassell, Stacie; Healey, Richard; Allen-Daniel, Leslie  
**Subject:** AR0034380 Stuttgart Proposed CAO  
**Attachments:** AR0034380\_Proposed CAO\_20210315.pdf



**ARKANSAS**  
ENERGY & ENVIRONMENT

Honorable Becky Burgess  
Mayor, City of Stuttgart  
304 S Maple Street  
Stuttgart, AR 72160

RE: NPDES Permit Number AR0034380; AFIN 0100214 City of Stuttgart  
**PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Burgess:

The City of Stuttgart and the Division of Environmental Quality (DEQ) entered into CAO LIS 18-092 with an effective date of January 10, 2019. Because the City of Stuttgart did not complete the actions required by the Order and committed additional Permit violations which were not included in CAO LIS 18-092, attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located at 1101 West 10<sup>th</sup> Street in Stuttgart, Arkansas. The Division of Environmental Quality (DEQ) has determined that this CAO is necessary to ensure compliance with the Act.

The enclosed CAO enumerates the violations in the “Findings of Fact” section, and outlines the steps required to achieve compliance in the “Order and Agreement” section of the CAO. The enclosed CAO will close and replace CAO LIS 18-092 on the effective date of this Order. Additionally, a civil penalty in the amount of \$8,800.00 is proposed by DEQ to settle the violations outlined in this CAO. \$5,000.00 of the civil penalty amount is proposed to be conditionally suspended pending completion of the required corrective actions defined by this Order. The remaining civil penalty of \$3,800.00 will be due to DEQ. If you choose to accept the terms of the CAO, please sign, date, and **return by email, or by submission of the signed document**, to the address below within **twenty (20) calendar days** of receipt of this letter. A City Council Resolution that approves the CAO and authorizes the Mayor and Clerk/Treasurer to sign the CAO on behalf of the City of Stuttgart must also be submitted. Subsequently, the Director of DEQ will sign the CAO and you will be provided a copy, including information on the public notice process and the effective date of the CAO.

In addition, you may have the option of directing a portion of your penalty toward a Supplemental Environmental Project (SEP) to advance environmental interests. Generally a SEP will not reduce the recommended administrative civil penalty by more than thirty-five percent (35%); however, the DEQ Director has the final authority to establish the level of mitigation of a penalty. If you are interested in a SEP as part of your negotiated settlement, please refer to DEQ's SEP Policy and Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> for additional information.

Failure to contact DEQ's Office of Water Quality, Enforcement Branch in response to this CAO within **twenty (20) calendar days** of receipt of this letter will constitute rejection of the settlement offer and unilateral enforcement action may proceed through a Notice of Violation (NOV). Should you wish to discuss this matter further, or schedule a meeting, you may contact me at (501) 682-0699, or you may e-mail [myrl.lawrence@adeq.state.ar.us](mailto:myrl.lawrence@adeq.state.ar.us) .

Sincerely,



Myrl V Lawrence Jr  
Enforcement Analyst, Office of Water Quality  
5301 Northshore Drive, North Little Rock, AR 72118

CC: Tommy Lawson, Wastewater Supervisor, City of Stuttgart, [stuttgartarwater@centurytel.net](mailto:stuttgartarwater@centurytel.net)  
Brad Wingfield, PE, PMI, Co, [bwingfield@pmico.com](mailto:bwingfield@pmico.com)

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT**